

Date Mailed
September 22, 1999

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

In the Matter of Rules Relating to the Regulation of Competitive
Local Exchange Providers, BonaFide Interconnection Requests,
and Competitive Entry Into Local Telephone Exchange Markets

1-AC-186

**NOTICE OF PROCEEDING AND INVESTIGATION
AND TECHNICAL CONFERENCE**

Technical Conference Date:	Friday, October 15, 1999 at 9:30 a.m.
Conference Location:	Public Service Commission, 610 North Whitney Way, Madison, WI (Amnicon Falls Hearing Room – 1st Floor)

This is a proceeding to create rules on the appropriate level of regulation for competitive local exchange carriers and procedures for competitive entry into local exchange markets. The scoping statement for this rulemaking was published in Wisconsin Administrative Register No. 519 on March 31, 1999, and said, in part:

1. Procedures for certifying competitive local exchange carriers (CLEC's). On July 20, 1995, the Commission approved Procedures for certifying CLEC's on an interim basis. Pursuant to those guidelines, several CLEC's have been certified and are operating in Wisconsin, mostly in the service territories of Ameritech Wisconsin and GTE North Incorporated, the incumbent local exchange carriers (ILEC's). The Commission further examined these issues in docket 05-TI-138, particularly the level of regulation, or provisions of ch. 196, Stats., that should apply to CLECs. On October 29, 1998, the Commission determined that the level of regulation for competitive local exchange providers, including application for certification and reporting requirements, and issues affecting small telecommunications providers, should be addressed in rule-making. The Commission further directed staff to prepare this scoping statement and to hold a technical conference before proceeding to rule-making.

2. Issues affecting small and/or rural telecommunications local exchange providers. Both state and federal law afford small and/or rural telecommunications local exchange providers some protection from competitive entry into their service territories. Moreover, these laws exempt such providers from certain interconnection requirements, or alternatively, to have these

requirements suspended or modified. Procedures for exemption, suspension and modification of interconnection requirements were also examined in docket 05-TI-138, as were the required content of a bona fide request for interconnection. In addition, the Commission examined these issues in a series of cases. The Commission has not yet developed a process or promulgated a rule, however, to implement these statutory provisions.

NOTICE IS GIVEN that the Commission will hold a technical conference on **Friday, October 15, 1999**, at 9:30 a.m. in the Amnicon Falls Hearing Room at the Public Service Commission Building, 610 North Whitney Way, Madison, Wisconsin, and may be continued at times to be set by the presiding Administrative Law Judge. This building is accessible to people in wheelchairs through the Whitney Way first floor (lobby) entrance. Parking for people with disabilities is available on the south side of the building. Any person with a disability who needs additional accommodations should contact the case coordinator listed below.

The technical conference is being held to allow parties to update their positions, as presented in the workshops and in filings in docket 05-TI-138 and elsewhere, and to examine the ways in which the issues addressed in those workshops and filings have changed since then. The Commission does not intend that the technical conference become a forum for parties to restate their previous positions in docket 05-TI-138. Parties should, to the extent possible, restrict their presentations to new and changed information.

To aid in clarifying the numerous issues in this rulemaking and to focus the discussion, the Commission sets forth this tentative issues list. Parties are invited to comment on whether these issues should, or should not, be included in this rulemaking. Parties are also invited to propose additional issues, consistent with the scoping statement of this rulemaking. The issues list includes:

1. CLEC application procedures and required information.
2. Filing requirements if a CLEC wishes to enter new markets, or new territories.
3. CLEC reporting requirements, annual or otherwise.
4. Extent to which CLECs should be required to abide by quality of service requirements, such as those found in Wis. Admin. Code ch. PSC 165.
5. Extent to which CLECs should be required to abide by customer protection requirements, for instance, such as the deferred payment arrangement and deposit rules found in Wis. Admin. Code ch. PSC 165.
6. Extent to which CLECs should be required to abide by abandonment of service requirements, such as those found in Wis. Stat. § 196.81.
7. Extent to which CLECs should be required to abide by affiliated interest requirements in Wis. Stat. § 196.52.
8. Extent to which CLECs should be required to abide by universal service rules and requirements imposed by Wis. Admin. Code ch. PSC 160.

9. Extent to which rates, terms or conditions of CLEC retail offerings should be regulated, including the issue of whether imputation and cross-subsidy rules and statutes should be applied to CLECs.

10. Extent to which rates, terms and conditions of CLEC offerings sold to competitors, such as access rates, should be regulated or restricted.

11. Other rules or requirements that should be imposed on CLECs.

12. Procedures under which a CLEC may obtain authority to provide service in an area served by a small telecommunications utility.

13. Procedures under which a small and/or rural telecommunications utility may seek a suspension, extension or modification of an interconnection requirement.

The scope of this docket does not include adjustments to the level of regulation of incumbent local exchange carriers. Those issues may be raised in docket 1-AC-187, which addresses alternative regulatory plans for incumbent providers.

The Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this proceeding or who needs to get this document in a different format should contact the Telecommunications Division staff member listed below.

Questions from the media may be directed to Jeffrey L. Butson, Public Affairs Director at (608) 267-0912. Other questions regarding this matter may be directed to Peter Jahn, of the Telecommunications Division staff, at (608) 267-2338.

Dated at Madison, Wisconsin, _____

By the Commission:

Lynda L. Dorr
Secretary to the Commission

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